

Assembly Bill No. 1900

CHAPTER 340

An act to amend Section 290.95 of the Penal Code, relating to sex offenders.

[Approved by Governor September 20, 2006. Filed with
Secretary of State September 20, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1900, Lieu. Sex offenders: registration.

Existing law requires that persons convicted of certain sex-related offenses register with designated local officials in the county of their residence upon release from custody.

Existing law prohibits a person who is required to register as a sex offender for a crime where the victim was a minor under 16 years of age from being an employee or volunteer with any person, group, or organization where the person would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children.

This bill would add employers and independent contractors to this prohibition and make other minor changes, as specified.

This bill would incorporate additional changes to Section 290.95 of the Penal Code proposed by AB 2263 contingent on the prior enactment of that bill.

Because this bill would change the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 290.95 of the Penal Code is amended to read:

290.95. (a) Every person required to register under Section 290, who applies for or accepts a position as an employee or volunteer with any person, group, or organization, where the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, shall disclose his or her status as a registrant,

upon application or acceptance of a position, to that person, group, or organization.

(b) No person who is required to register under Section 290 because of a conviction for a crime where the victim was a minor under 16 years of age shall be an employer, employee, or independent contractor, or act as a volunteer with any person, group, or organization, in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. This subdivision shall not apply to a business owner or independent contractor who has the ability to hire, fire, or discipline minors, but who does not work directly in an unaccompanied setting with minors.

(c) A violation of this section is a misdemeanor punishable by imprisonment in a county jail for not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine, and a violation of this section shall not constitute a continuing offense.

SEC. 1.5. Section 290.95 of the Penal Code is amended to read:

290.95. (a) Every person required to register under Section 290, who applies for or accepts a position as an employee or volunteer with any person, group, or organization where the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, shall disclose his or her status as a registrant, upon application or acceptance of a position, to that person, group, or organization.

(b) Every person required to register under Section 290 who applies for or accepts a position as an employee or volunteer with any person, group, or organization where the applicant would be working directly and in an accompanied setting with minor children, and the applicant's work would require him or her to touch the minor children on more than an incidental basis, shall disclose his or her status as a registrant, upon application or acceptance of the position, to that person, group, or organization.

(c) No person who is required to register under Section 290 because of a conviction for a crime where the victim was a minor under 16 years of age shall be an employer, employee, or independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. This subdivision shall not apply to a business owner or independent contractor who has the ability to hire, fire, or discipline minors, but who does not work directly in an unaccompanied setting with minors.

(d) A violation of this section is a misdemeanor punishable by imprisonment in a county jail for not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment

and fine, and a violation of this section shall not constitute a continuing offense.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 290.95 of the Penal Code proposed by both this bill and AB 2263. It shall become effective only if (1) both bills are enacted and become effective on or before January 1, 2007, (2) each bill amends Section 290.95 of the Penal Code, and (3) this bill is enacted after AB 2263, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.